

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL NO.: 3:15cr182-FDW

FILED
CHARLOTTE, NC
AUG 19 2015
US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)
Plaintiff,) CONSENT ORDER AND
v.) JUDGMENT OF FORFEITURE
JOHN BERNARD THIGPEN) PENDING RULE 32.2(c)(2)
Defendant.)

BASED UPON the Defendant's plea of guilty and finding that there is a nexus between the property listed below and the offense(s) to which the Defendant has pled guilty and that the Defendant (or any combination of Defendants in this case) has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and/or 28 U.S.C. § 2461(c), provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

- **A forfeiture money judgment in the amount of \$2,290,000, such amount constituting the proceeds of offenses set forth in the Bill of Information.**

2. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

3. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

4. A forfeiture money judgment shall be included in the defendant's sentence, and the United States may take steps to collect the judgment from any property of the defendant, provided, the value of any forfeited specific assets shall be credited toward satisfaction of this money judgment upon liquidation. Further, the United States Attorney's Office agrees to, as permitted and authorized by applicable statute and regulation, request the use of forfeited assets to pay towards any outstanding restitution ordered by the Court. However, Defendant

understands that the authority of whether to grant the request rests solely with the Attorney General or her designee, and not the United States Attorney's Office.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant's crime(s) herein and are therefore subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and/or 28 U.S.C. § 2461(c). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.

JILL WESTMORELAND ROSE
ACTING UNITED STATES ATTORNEY


COREY F. ELLIS

Assistant United States Attorney


JOHN BERNARD THIGPEN
Defendant


PETER ADOLF, ESQ.
Attorney for Defendant

Signed this the 19th day of August, 2015.


UNITED STATES Magistrate JUDGE